

104TH CONGRESS  
1ST SESSION

# H. R. 2569

To require the Secretary of Energy to immediately begin returning the Fast Flux Test Facility to operational status, identify which missions will be given the highest priority, and prepare the facility to carry out those missions.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 1, 1995

Mr. HASTINGS of Washington introduced the following bill; which was referred to the Committee on Science, and in addition to the Committees on Commerce and National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To require the Secretary of Energy to immediately begin returning the Fast Flux Test Facility to operational status, identify which missions will be given the highest priority, and prepare the facility to carry out those missions.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. RETURN TO OPERATIONAL STATUS.**

4 The Secretary of Energy (in this Act referred to as  
5 the “Secretary”) shall immediately discontinue the shut-  
6 down of the Fast Flux Test Facility (in this Act referred

1 to as the “Facility”), and take action necessary to begin  
2 returning the Facility to operational status. To the extent  
3 possible, the technical staff shall be retained, and all docu-  
4 ments, materials, spare parts, components and capabilities  
5 shall be preserved. The Facility shall be maintained in op-  
6 eration by the Secretary for at least 20 years, and for so  
7 much longer as it remains capable of performing missions  
8 established for it under section 2.

9 **SEC. 2. MISSIONS.**

10 (a) TASK FORCE.—

11 (1) ESTABLISHMENT.—The Secretary shall es-  
12 tablish a task force, to be composed of one individ-  
13 ual each selected by—

14 (A) the National Academy of Sciences;

15 (B) the American Physical Society;

16 (C) the American Nuclear Society;

17 (D) the College of Nuclear Physicians; and

18 (E) the Nuclear Engineering Department

19 Heads Organization.

20 (2) DUTIES.—The task force established under  
21 paragraph (1) shall, within 6 months after the date  
22 of the enactment of this Act, transmit a report to  
23 the Congress that establishes a ranked list of mis-  
24 sions for the Facility. Such list shall be established  
25 in consultation with the operating contractor of the

1 Facility, taking into consideration the widest pos-  
2 sible range of potential uses, both governmental and  
3 nongovernmental, for the Facility. Such uses shall  
4 include the following:

5 (A) Reestablishing world leadership in ben-  
6 efiticial nuclear technology and nuclear medicine.

7 (B) The production of medical and other  
8 isotopes for use or sale by Federal or non-Fed-  
9 eral entities.

10 (C) The production of tritium needed to  
11 maintain the safety and reliability of our de-  
12 fense stockpile.

13 (D) Irradiation services to support re-  
14 search and commercial objectives.

15 (E) Demonstration programs to verify fast  
16 reactor capability to convert radioactive waste  
17 or weapons materials into a safer form.

18 (F) Materials testing and physics research.

19 (G) Service as a training center.

20 (H) The production of steam to be used or  
21 sold by Federal or non-Federal entities, and for  
22 the testing of steam generators.

23 (3) TRAVEL EXPENSES.—Each member of the  
24 task force shall receive travel expenses, including per

1        diem in lieu of subsistence, in accordance with sec-  
2        tions 5702 and 5703 of title 5, United States Code.

3        (b) IMPLEMENTATION.—The Secretary shall imple-  
4        ment the recommendations of the task force as missions  
5        of the Facility.

6        **SEC. 3. AGREEMENTS.**

7        The Secretary may enter into agreements with do-  
8        mestic and foreign entities for participation of such enti-  
9        ties in the missions of the Facility.

10       **SEC. 4. OPERATIONS CONTRACT.**

11       Any contract entered into by the Secretary after the  
12       date of the enactment of this Act for the operation of the  
13       Facility shall include provisions to—

14                (1) ensure that all operations and experiments  
15                meet applicable safety requirements and acceptance  
16                criteria;

17                (2) provide necessary support services to the  
18                non-Federal entities that have entered into agree-  
19                ments pursuant to section 3;

20                (3) provide indemnification pursuant to section  
21                170d. of the Atomic Energy Act of 1954 (42 U.S.C.  
22                2210(d));

23                (4) indemnify, protect, and hold harmless the  
24                contractor from and against all liability, including li-

1 ability for legal costs, relating to any preexisting  
2 conditions at any part of the Facility.

3 (5) indemnify, protect, and hold harmless the  
4 contractor from and against all liability to third par-  
5 ties (including liability for legal costs and for claims  
6 for personal injury, illness, property damage, and  
7 consequential damages) for negligence arising out of  
8 the contractor's performance under the contract, un-  
9 less such liability was caused by conduct of the con-  
10 tractor which was grossly negligent or which con-  
11 stituted intentional misconduct; and

12 (6) provide for indemnification of subcontract-  
13 tors as described in paragraphs (3), (4), and (5).

14 **SEC. 5. EXEMPTION FROM NUCLEAR REGULATORY COM-**  
15 **MISSION REGULATION.**

16 No activities of the Facility or the operating contrac-  
17 tor thereof shall be subject to licensing or other regulation  
18 by the Nuclear Regulatory Commission.

19 **SEC. 6. FAST FLUX TEST FACILITY FUND.**

20 There shall be established in the Treasury a separate  
21 fund to be known as the "Fast Flux Test Facility Fund",  
22 which shall include all appropriations made for the Facil-  
23 ity and all funds received for the sale of products or serv-  
24 ices of the Facility or under agreements entered into  
25 under section 3. Amounts in such Fund shall be available,

1 to the extent provided in advance in appropriations Acts,  
2 for the activities of the Facility.

3 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

4       There are authorized to be appropriated to the Sec-  
5 retary for the activities of the Facility and of the task  
6 force established under section 2(a)(1) \$60,000,000 for  
7 fiscal year 1996.

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